

ALLEGHANY COUNTY ANIMAL CONTROL ORDINANCE

The purpose of this Ordinance shall be to protect the citizens of Alleghany County from dangerous or uncontrolled animals and to protect the animals within Alleghany County from cruel or inhumane treatment by their owners and other persons.

Section 1. DEFINITIONS: For the purpose of this ordinance, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

- (a) **ABANDON.** To forsake, desert or give up an animal previously under the custody or possession of a person without having secured another owner or custodian or by failing to make reasonable arrangements for adequate care.
- (b) **ADEQUATE FOOD AND WATER.** The provision, at suitable intervals, not to exceed 24 hours of a quantity of wholesome foodstuff suitable for the species and age, sufficient to maintain the animal's health and well-being. Constant access to a supply of water that is clean, fresh and visibly free of debris and organic material, provided in a sanitary manner or provided at a suitable interval (not to exceed 24 hours) for the species.
- (c) **ANIMALS.** All living vertebrates, domestic and non-domestic, but not including humans.
- (d) **ANIMAL CONTROL DEPARTMENT.** The Alleghany County Animal Control Department.
- (e) **ANIMAL CONTROL & ENFORCEMENT OFFICER.** A County employee designated as a dog warden, animal control officer, animal control official, cruelty charge investigator, or other designations that may be used whose empowered to enforce all state laws and local ordinances pertaining to animals.
- (f) **ANIMAL SHELTER.** Any premises designated by the County for the purposes of impounding and caring for all animals found running at large or otherwise subject to impounding in accordance with the provisions of this ordinance.
- (g) **AT LARGE.** Any animal, including livestock, shall be deemed at large when it is off the property of its owner and not under the control of a competent person without identification and as further defined in North Carolina General Statute § 67-2, 67-12 and 68-16.
- (h) **CAT.** A domestic feline of the genus and species *Felis catus*.
- (i) **DAY.** Shall mean each workday and shall include Saturday, Sunday and all legal holidays.

- (j) **DANGEROUS DOG.** A dog that:
 - (i) Without provocation has killed or inflicted severe injury on a person; or
 - (ii) Is determined by the Animal Control & Enforcement Officer to be potentially dangerous due to the dog having exhibited one or more of the behaviors stated under “Potentially Dangerous Dog” (North Carolina General Statute § 67-4.1(2)); or
 - (iii) Is determined to be “Any dog owned or harbored primarily or in part for the purpose of dog fighting, or any dog trained for dog fighting” (North Carolina General Statute § 67-4.1).
- (k) **DOG.** A domestic canine of the genus, species, and subspecies *Canis lupus familiaris*.
- (l) **FERRET.** A domestic mammal of the genus, species, and subspecies *Mustela putorius furo*.
- (m) **FERAL.** An animal that is not socialized.
- (n) **HABITUALLY.** The frequent or repeated repetition of an action or doing of an action.
- (o) **HEALTH DIRECTOR.** Health Director of the Appalachian District Health Department.
- (p) **IDENTIFIED ANIMAL.** An animal with an identification tag, tattoo, implanted microchip (EAID – electronic animal identification device), or other marking on which is described the animal owner’s name, address and telephone number.
- (q) **IMPOUNDMENT.** Secure custody of any animal by a person or shelter duly authorized by the county.
- (r) **KEEPER.** A person having custody of an animal, or who keeps or harbors an animal, or who knowingly permits an animal to remain on or about any premises occupied or controlled by such person.
- (s) **KENNEL, DEALER, BREEDER, OR PET SHOP.** Any premises wherein a person boards, lets for hire, trains for fee, breeds, buys or sells animals. This shall not include the ownership of dogs or cats which are part of the household or which are maintained adjoining a private residence for hunting, tracking practice, exhibition, or the guarding or protection of the owner’s property when no more than five dogs or cats per year are sold by such owner.
- (t) **LIVESTOCK.** Livestock shall include, but is not limited to, equine animals, bovine animals, sheep, goats, llamas, and swine.

- (u) **OWNER.** Any person, group of persons, firm, partnership or corporation owning, keeping, having charge of, sheltering, feeding, harboring or taking care of any animal. The owner is responsible for the care, actions, and behavior of their animal.
- (v) **PET.** Any Animals, as defined in this section, domesticated or tamed and commonly kept for companionship by an Owner, as defined in this section.
- (w) **POTENTIALLY DANGEROUS ANIMAL.** An animal that has been determined to have:
 - (i) Inflicted a bite on a person that resulted in any of the following: broken bones; disfiguring lacerations; injuries requiring cosmetic surgery or hospitalization; or other medical care.
 - (ii) Killed or inflicted severe injury upon a domestic animal, when not on the owner's real property.
 - (iii) Approached a person (if the person was not trespassing on the owner's property) in a vicious or terrorizing manner in an apparent attitude of attack. (North Carolina General Statute § 67-4.1)
- (x) **RABIES EXPOSURE.** Animal exposed by another animal suspected of or known to have rabies within the meaning of this Ordinance, if it has been bitten by, or been in the immediate area of any animal known or suspected to have been infected with rabies.
- (y) **RABIES VACCINE.** An animal rabies vaccine licensed by the United States Department of Agriculture and approved for use in this State by the Commission for Public Health.
- (z) **SPAYED OR NEUTERED ANIMALS.** Any male or female animal which has been operated upon to prevent conception or reproduction.
- (aa) **STRAY ANIMALS.** Any animal within the County wandering at large, beyond the limits of confinement, lost or without an owner, or any dog or cat within the County whose owner fails to have said dog or cat vaccinated against rabies by a veterinarian and not wearing any tags, is not microchipped, tattooed or has any other methods of identification.
- (bb) **TRESPASSER.** A person who has wrongfully invaded the property owned by another person.
- (cc) **UNDER RESTRAINT AND CONTROL.** An animal is under restraint within the meaning of this Ordinance if it is controlled by means of a chain, leash or other like device; or is sufficiently near the owner or handler to be under their direct control and is obedient to that person's commands; or, is adequately contained within a secure enclosure, including a vehicle being driven or parked.

- (dd) ***VICIOUS ANIMAL.*** Any animal that has made an unprovoked attack on a human by biting or in any manner causing abrasions or cuts of the skin; or, one who habitually or repeatedly attacks humans, farm stock, other pets and animals.
- (ee) ***WILD ANIMALS.*** Any living member of the animal kingdom including those born or raised in captivity except the following: human beings; domestic dogs (excluding hybrids with wolves, coyotes, or jackals); domestic cats (excluding hybrids with ocelots or marges); farm animals; rodents and hybrid animals that are part wild; and captive bred species of common cage birds. Such wildlife shall be controlled by the North Carolina State Wildlife Officers.

Section 2: ADMINISTRATION AND ENFORCEMENT:

1. CREATION OF ANIMAL CONTROL DEPARTMENT.

There is hereby created an Animal Control Department, hereinafter "Department", for the County, which shall be composed of such employees as shall be determined in the manner authorized by the Board of County Commissioners under the authority given in North Carolina General Statute § 67-30. The Department shall be supervised by the County Manager or his designee subject to the general control and direction of the Board of County Commissioners. The employees shall be employed and compensated as prescribed in the County Employee Handbook.

2. RESPONSIBILITIES OF ANIMAL CONTROL DEPARTMENT.

- (a) The Department, along with other law enforcement agencies, is hereby empowered to enforce all North Carolina laws and Alleghany County ordinances pertaining to domestic dogs, cats, livestock and other pets, unless otherwise specified herein. It shall be their duty in local cooperation, to collaboratively enforce all laws of North Carolina and the ordinance of the County pertaining to disease prevention and rabies control.
- (b) The Department is responsible for the investigation of all reported animal bites, for the quarantine of any dog or cat involved in or suspected of having rabies, and for reporting investigation results to the Appalachian District Health Director as soon as practicable.
- (c) The Department shall have the responsibility for investigating cruelty, abuse or neglect cases involving animals and record the results of investigations and as authorized by North Carolina General Statute § 19A-45.
- (d) The Animal Control Department Officer shall receive annual instruction in the investigation of complaints relating to the care and treatment of animals pursuant to North Carolina General Statute § 19A-49 and be qualified to use a tranquilizer gun and rifle/shotgun.
- (e) The Department will be responsible for the seizure and impoundment where deemed necessary, of any dog or other animal in the county involved in

a violation of this Ordinance or state laws, including but not limited to North Carolina General Statute § 19A-46(a), 68-15 through 68-24 and to request law enforcement to assist.

- (f) The Department will make such canvasses of the county as necessary for the purpose of ascertaining compliance with this ordinance or state laws.
- (g) The Department is empowered to issue notices of violation of this ordinance.
- (h) The Animal Control Officers shall keep, or cause to be kept, accurate and detailed records of:
 - (1) Seizure, impoundment, and disposition of all animals coming into the custody of the Department.
 - (2) Bite cases, rabies suspects, violations, complaints, citations issued and all investigations of the aforementioned.
 - (3) All fees belonging to the county which were collected for redemptions, tags, sales, violations, and other.
 - (4) Any other matters deemed necessary by the County Manager or Board of County Commissioners.

3. INTERFERENCE WITH ANIMAL CONTROL DEPARTMENT.

It shall be unlawful for any person to interfere with, hinder, or molest the employees of the Animal Control Department and its officers in their performance of any duties under this Ordinance, nor to seek to release any animal in the custody of such persons, except as otherwise specifically provided. Penalties for a violation of this Section shall be as set forth in Section 17 below and pursuant to North Carolina General Statute § 19A-48.

Section 3. VACCINATION AND TAG REQUIREMENTS.

1. VACCINATION OF DOGS, CATS, FERRETS AND OTHER PETS.

(A) It shall be unlawful for an owner or keeper to fail to provide a current vaccination against rabies (hydrophobia) for any dog, cat or ferret, four (4) months of age or older. Should it be deemed necessary by the Appalachian District Health Director or the Board of County Commissioners that other pets be vaccinated in order to prevent a threatened epidemic or to control an existing epidemic, it shall be unlawful for an owner or keeper to fail to provide current vaccination against rabies for that pet. Penalties for violations of this Ordinance are shown in Section 17.

(B) A rabies vaccination shall be deemed current for a dog, cat or ferret once the vaccine has been administered by a veterinarian or state-certified inoculator and a 21-day period has passed after vaccination. If a second doses of vaccine is administered twelve (12) months after the first, the rabies vaccination is then current for three (3) years. This is subject to the guidelines of the North Carolina Department of Health Services.

(C) All rabies vaccines shall be administered by a licensed veterinarian or a certified rabies vaccinator.

(D) Boarding facilities, animal shelters, pet shops, and kennels within Alleghany County shall comply with the requirements of this section.

(E) The Appalachian District Health Department shall assist the Animal Control Department to organize an annual countywide public rabies vaccination clinic for dogs and cats. Public notice of the time and place of the rabies vaccination shall be published in the Alleghany News or other newspaper having general circulation within Alleghany County, per North Carolina General Statute § 130A-187 and other public notice locations, as provided by Alleghany County or the Appalachian District Health Department.

(F) All horses should be vaccinated against rabies pursuant to the American Association of Equine Practitioners, Core vaccination guidelines: rabies. Livestock, including species for which licensed vaccines are not available, that have frequent contact with humans (eg, in petting zoos, fairs, and other public exhibitions) should be vaccinated against rabies per the National Association of State Public Health Veterinarians Animal Contact Compendium Committee 2013. Compendium of Measures to Prevent Disease Associated with Animals in Public Settings, 2013. *J Ann Vet Med Assoc* 2013; 243: 1270-1288.

(G) Rabies vaccinations requirements are by this Ordinance and any and all sections of North Carolina General Statute § 130A-184 through 130A-201.

2. VACCINATION TAG AND CERTIFICATE.

(A) Upon complying with the provisions of this Section, there shall be issued to the owner or keeper of the dog, cat or ferret vaccinated, a rabies tag stamped with a number and the year of issue and a rabies vaccination certificate.

(B) It shall be unlawful for an owner or keeper to fail to provide dogs with a collar or harness to which a current rabies tag will be attached. Collar or harness with attached tag must be worn at all times with the following exceptions:

- (1) Confinement in an enclosure on owner's premises.
- (2) Animal shows.
- (3) Obedience trials.
- (4) Tracking tests.
- (5) Field trials.
- (6) Training schools or events sanctioned by a recognized organization.
- (7) Supervised hunting.
- (8) Search and rescue dogs.

NOTE: Cats and ferrets are not required to display tags, as long as written evidence of inoculation can be furnished to the Animal Control Officer immediately upon request.

(C) All dogs, cats and ferrets shipped or otherwise brought into this county, except for exhibition purposes where dogs, cats or ferrets are confined and not permitted to run at-large, shall be securely confined and vaccinated within one week after entry, and shall remain confined for two (2) additional weeks after vaccination unless accompanied by a certificate issued by a licensed veterinarian showing that the dog, cat or ferret is apparently free from rabies and has not been exposed to same and that the animal has received a proper dose of rabies vaccine not more than six (6) months prior to the date of issuing the certificate.

(D) It shall be unlawful for any person to use for any other animal a rabies vaccination tag not intended for that animal.

(E) In addition to all other penalties as prescribed by law, a dog, cat or ferret is subject to impoundment in accordance with the provisions of this Ordinance if the dog, cat or ferret is found without a current rabies tag, or proof of vaccination.

(F) Penalties for violations of this Section shall be set out below in Section 17 of this Ordinance.

3. IDENTIFICATION TAG FOR DOGS AND CATS.

(A) It is the purpose of this section to provide a means of identifying the owner of a dog or cat in Alleghany County.

(B) It shall be unlawful for any dog or cat owner or keeper to fail to provide their dog or cat with an identification tag and to take such action as necessary to ensure that the identification tag is worn by the animal on a collar at all times except for the circumstances cited in Section 3, paragraph 2(B) of this Ordinance.

(C) The identification tags shall display the owner's contact information, i.e. owner's name, address, and telephone number where the owner can be contacted. In lieu of a collar tag, the owner or keeper may choose to micro-chip a dog or cat.

(D) Dogs and cats are subject to impoundment, in accordance with the provisions of this Ordinance, if the dog or cat is found not wearing a visible identification tag. Dogs or cats that are found to be micro-chipped will be returned to the owner, without charge, if redeemed within a twenty-four (24) hour period from being received by the Department.

(E) Penalties for violations of this Section shall be set out below in Section 17 of this Ordinance.

Section 4: STRAY ANIMALS.

(A) It shall be unlawful for any person in the county to knowingly and intentionally harbor, keep in possession by confinement, or otherwise allow an animal or animals At Large, as defined in Section 1, to remain on their property, unless the person has, within Seventy-two (72) hours from the time such animal came into their possession, notified the Animal Control Department. Upon receiving

such notice, the Animal Control Department shall take such animal and place it in an animal shelter and deal with it as provided by this Ordinance.

(B) It shall be unlawful to refuse to surrender any such stray to the Animal Control Department on demand.

(C) Penalties for violations of this Section shall be set out below in Section 17 of this Ordinance.

Section 5: NON-DOMESTIC ANIMALS AND LIVESTOCK.

(A) No person shall possess or harbor any non-domestic animal(s) which are dangerous to persons or property or which have the potential of being dangerous to persons or property. This section shall not apply to bona fide circuses, petting zoos, and other traveling commercial animal exhibitions of limited duration. Penalties for violations of this Section shall be set out below in Section 17 of this Ordinance.

(B) Livestock shall be covered by this Ordinance and more specifically under North Carolina General Statutes § 68-15 through 68-24, which said sections shall be incorporated into this Ordinance.

Section 6: RABIES AND ANIMAL BITE MANAGEMENT

1. ANIMAL BITES.

(A) When a person has been bitten by an animal suspected of or having rabies, it shall be the duty of such person, or their legal parent or guardian (if such person is a minor), and the owner or keeper, to notify the Department of Animal Control and Appalachian District Health Department immediately and give their name, address, age, and sex; precise location of wound and treatment required; circumstances leading up to and the scene of the bite; and name, description, and owner or keeper of the animal inflicting the bite.

The owner or keeper having such animal in their possession or under their control shall immediately secure and confine the animal for ten (10) days, at the expense of the owner or keeper, in such a place as designated by the Department, and shall not be released from such quarantine except by written permission from an enforcement officer. The biting animal, and its records of vaccination shall be inspected by an enforcement officer who will then observe the following policy:

1. A properly vaccinated and tagged dog, cat or ferret may be confined on the owner or keeper's premises provided, however, that an enforcement officer determines that the owner has an adequate means of confinement upon their own premises and the animal is subject to observation by the officer at any time during the period of confinement.
2. A dog, cat or ferret not properly vaccinated and tagged, belonging to an owner or keeper, shall immediately be confined in a veterinary hospital or the Animal Shelter, in which case the expense shall be borne by the owner

or keeper for the period of confinement. The dog, cat or ferret shall not be vaccinated during confinement.

3. A stray dog, cat or ferret shall immediately be confined in the Animal Shelter for not less than a ten (10) day period.
4. If a dog, cat or ferret, after due and diligent effort, cannot be apprehended, then it may be euthanized by any available humane means and the head or entire brain (including brain stem) submitted to the Appalachian District Health Department for shipment to the North Carolina State Laboratory for Public Health.

(B) It shall be the duty of every physician, after their first professional attendance upon a person bitten by any animal suspected of or having rabies, to report the incident to the Department of Animal Control, and shall include in the report the name, age, sex of victim, and precise location of bite wound. Report shall be conveyed not later than twenty-four (24) hours from time of the incident.

(C) If the owner of, or a person who has in their possession or under their control, an animal suspected of or having rabies refuses to confine the animal as required by this Section or North Carolina General Statute § 130A-196, the Animal Control Department may order the seizure of the animal and its confinement for not less than ten (10) days in such a place as the Department of Animal Control designates, at the owner's expense. It shall also be unlawful for the owner or keeper to refuse an investigation by an Animal Control Officer upon demand of any animal which has bitten a human, for the purpose of supervising quarantine, the expense of which shall be borne by the owner. If rabies does not develop within ten (10) days, the animal may be reclaimed upon the payment of all confinement costs and upon compliance with other provisions of this Ordinance.

(D) Law enforcement agencies investigating animal bites shall report such bites immediately to the Department of Animal Control and give the names and addresses of person(s) bitten and owner of animal.

(E) Badly wounded, diseased, or suffering animals, which are suspected of having rabies, may not be removed from the County but may be humanely destroyed by the owner or keeper, upon the written permission of the Animal Control Officer and the Appalachian District Health Director. The carcass of any dead animal exposed to rabies shall be surrendered to the Animal Control Officer. The head of any humanely destroyed animal or carcass may be forwarded for examination, at the discretion of a veterinarian, to the Appalachian District Health Department for shipment to the North Carolina State Laboratory for Public Health.

(F) Failure of the animal owner or keeper to comply with this Section may result in a \$100.00 civil penalty for each violation.

2. DESTRUCTION OR CONFINEMENT OF ANIMAL BITTEN BY A KNOWN RABID ANIMAL.

Animals not vaccinated against rabies which are exposed by a known rabid animal shall be immediately destroyed unless the owner or keeper agrees to strict isolation of the animal at a veterinary hospital for a period of six (6) months at the owner's expense. If the animal has a current rabies vaccination, the animal shall be re-vaccinated and returned to the owner or keeper.

3. EMERGENCY QUARANTINE AND PROCEDURES.

(A) When reports indicate a positive diagnosis of rabies where human lives may be endangered, the Appalachian District Health Director may declare an area-wide quarantine for a period he/she deems necessary. Under emergency quarantine, no dog, cat or ferret may be taken or shipped from the county without written permission of the Appalachian District Health Director. During such quarantine the Health Director, law enforcement officers, and Animal Control Officers may seize any dog, cat or ferret found running at-large in the county until the quarantine is lifted. During the quarantine period, the Health Director shall be empowered to provide for a program of mass immunization by the establishment of temporary emergency rabies vaccination facilities in the county.

(B) In the event there are additional positive cases of rabies occurring during the period of quarantine, such period of quarantine may be extended at the discretion of the Appalachian District Health Director. During the additional extended quarantine, the Appalachian District Health Director may require annual vaccinations of dogs, cats and ferrets against rabies.

Section 7: CRUELTY TO ANIMALS.

(A) It shall be unlawful for any person to molest, torture, torment, deprive of necessary sustenance, cruelly beat, needlessly mutilate or kill, wound, injure, poison, abandon, or subject to conditions detrimental to its health or general welfare of any animal, or to cause or procure such action. The words "torture" and "torment" shall be held to include every act, omission or neglect whereby unjustifiable physical pain, suffering, or death is caused or permitted; but such terms shall not be construed to prohibit lawful taking of animals under the jurisdiction and regulation of the Wildlife Resources Commission; nor to prohibit the Department or veterinarians or duly authorized persons from destroying dangerous, unwanted, or injured animals in a humane manner. This shall also include North Carolina General Statute § 14-163, 14-163.1, 14-360(a), 14-360(a1), 14-360(b), 14-361, 14-362.3, 14-362.3 and all other applicable Statutes.

(B) It shall be unlawful for any owner or keeper to fail to provide their animal(s) with proper shelter and protection from the weather, sufficient and wholesome food and water to keep his animal(s) in good health and comfort, and the opportunity for vigorous daily exercise. Veterinary care shall be provided when needed to prevent suffering.

(C) It shall be unlawful for any person injuring or killing an animal by running over, or into same, or coming into contact with the same, with an automobile,

motorcycle, bicycle, or other vehicle, to fail to notify, immediately, or make reasonable effort to notify, the owner of the animal, and the Animal Control Department or the Alleghany County Sheriff's Department.

(D) Any person being the owner or possessor, or having charge or custody of an animal, who willfully and without justifiable excuse, abandons the animal(s), is guilty of a misdemeanor punishable as provided by North Carolina General Statutes § 14-361.1.

(E) All investigations and related procedures of cruelty charges will be at the discretion of the Animal Control Department. Any charges arising from this Section shall be made in line with North Carolina General Statute § 14-360, Article 47.

Section 8. CONFINEMENT AND CONTROL OF VICIOUS OR DANGEROUS DOMESTIC ANIMALS.

It shall be unlawful for any person to keep any vicious, fierce, or dangerous domestic animal within the county unless it is confined within a secure building or enclosure, or it is securely muzzled and under restraint by means of a leash, chain or rope, and firmly in the grasp and under control at all times of the owner or keeper. The owner or keeper of a vicious, or dangerous dog shall be strictly liable in civil damages for any injuries or property damage the dog inflicts upon a person, their property, or another animal, per North Carolina General Statute § 67-4.4.

Section 9. NUISANCE.

(A) An animal or group of animals shall be considered a nuisance if:

- (1) Private or public property is damaged.
- (2) Animal(s) interfere with, or attack person(s) or other animals.
- (3) Animal(s) chase, snap at or harass pedestrians, bicyclists, or vehicles.
- (4) By virtue of number, animal(s) are offensive or dangerous to public health, safety, and welfare.
- (5) Animal(s) are diseased or dangerous to public health.
- (6) Animals running at large, not under the control of a competent person by means of a chain, leash, or other device, or is sufficiently near its handler to be under their direct control.
- (7) Habitually or repeatedly disturbing, interfering with or annoying persons or their pets or farm animals, or habitually or repeatedly entering onto the property of a person who is not the owner of said animal(s).

(B) It shall be unlawful for an owner or keeper to permit an animal or animals to create a nuisance, or to maintain a nuisance created by any animal or animals, as defined in division (A)(1) through (7) above of this section.

(C) No nuisance shall be created during the lawful hunting or field trials by a person and their animal while taking of wild animals and wild birds pursuant to North Carolina General Statute § 113-291.1, if the lawful hunting or field trials are not habitual in nature on the lands of another or a trespass on the lands of another per Section 1 (t). Violations of this paragraph will be handled by the Wildlife Resources Commission Officer.

(D) Nothing in this Ordinance is intended to be on conflict with the laws of the State of North Carolina regulating, restricting, authorizing or otherwise affecting dogs while used in hunting, but this exception applies only while the dogs are under the control of the owner, keeper, or competent person, and are actually lawfully being used for hunting or training for hunting in compliance with applicable states, regulations, or ordinances. This Ordinance should be read and enforced consistent with any such law.

(E) Upon receipt of a detailed complaint to the Animal Control Department by any resident(s) that any person is maintaining a public nuisance as defined in this Section, the Animal Control Officer shall notify the owner or keeper of the offending animal that a complaint has been received and that an investigation has been initiated. A report of the findings of the investigation to be reduced to writing by the investigating Animal Control Officer.

(F) If the written findings indicate a violation, the Animal Control Officer shall cause the owner or keeper of the animal or animals in question to be so notified in writing and ordered to abate such nuisance within Forty-eight (48) hours by whatever means necessary.

(G) If any person receiving notice in the manner hereinabove described shall fail or refuse to abate the nuisance upon the issuance of such order within the specified time, the Department may cause the animal or animals in question to be apprehended and impounded in accordance with the provisions of Section 10 of this Ordinance.

(H) Within the Forty-eight (48) hour period mentioned in subsection (F) above, the owner of the nuisance animal may appeal the findings of the Department by giving written notice of appeal to stay the abatement of the nuisance to the County Manager or designated individual, until a final determination by the Board of Commissioners.

(I) If the owners shall so request, the animal or animals may be redeemed pursuant to the provisions of Section 12. If no redemption is made by the owner within the time specified, then the animal shall be disposed of in accordance with the provisions of Section 11 hereunder.

Section 10. IMPOUNDMENT.

(A) Any animal which appears to be: lost, stray or unwanted, At Large, or not wearing a valid identification tag (dog) and vaccination tag where required,

pursuant to North Carolina General Statute 130A-192, or any other violation of this Ordinance, may be seized, impounded, and confined in a humane manner at an animal shelter. Said impoundment shall also apply to livestock pursuant to North Carolina General Statute § 68-17 through 68-24.

(B) Reasonable effort shall be made to identify the owner or keeper of the animal, and to inform such owner or keeper of the conditions whereby the animal may be redeemed.

(C) Impoundment of such an animal shall not relieve the owner or keeper thereof from any penalty which may be imposed for violation of this Ordinance.

(D) Domesticated animals with or without tags shall be impounded for no less than three (3) weekdays.

(E) If an impounded animal is not redeemed by the owner within said period, it may be offered for adoption by any responsible adult who is willing to comply with this Ordinance or destroyed within a humane manner, by a licensed veterinarian.

(F) Animals impounded which have been bitten by a rabid animal, suspected of having rabies, or appear to be suffering from rabies, shall not be redeemed or adopted, but shall be dealt with as provided in Section 6 of this Ordinance.

(G) Any animal impounded which is gravely wounded or diseased (not a rabies suspect) and has no identification shall be destroyed immediately in a humane manner. If the animal has identification, the Animal Control Officer shall make a reasonable effort in attempting to notify the owner and keep records of such attempts, before disposing of such animal; but if the owner cannot be reached readily, and the animal is suffering, the Animal Control Officer may destroy the animal in a humane way, at their discretion.

(H) Any animal impounded which is wounded (not gravely wounded) or diseased (not badly diseased) and has no identification shall be destroyed in a humane manner, only after consultation by the Animal Control Officer with a licensed veterinarian. If the animal has identification, the Animal Control Officer shall attempt to notify the owner before disposing of such animal and document the attempts made to contact the owner; but if the owner cannot be reached readily, and the animal is suffering, the Animal Control Officer may destroy the animal in a humane manner after consultation with a licensed veterinarian.

Section 11. HUMANE DESTRUCTION OF ANIMALS.

Notwithstanding any other provision of this Ordinance, an animal which cannot be seized by reasonable means and impounded, and has been deemed vicious, or a public nuisance, may be humanely destroyed at the discretion of the Animal Control Department.

Section 12. REDEMPTION OF ANIMAL BY OWNER OR KEEPER.

(A) The owner or keeper of an animal impounded under this chapter may redeem the animal and regain possession thereof within Seventy-two (72) hours after notice of impoundment is posted as required by this Ordinance, and by complying with all applicable provisions of this Ordinance and paying all applicable fees or fines as set by shelter policy and the Animal Control Department or those charges or restitution charged pursuant to North Carolina General Statute § 19A-47, 19A-70, 14-163.1 and all other applicable state statutes.

(B) No animal owner or keeper may be permitted to adopt their own animal under the provisions of this Ordinance, but he must comply with the provisions of this Ordinance in order to reclaim an animal that has been impounded pursuant to state law or this Ordinance.

(C) Notice shall be posted of any animal that is impounded for seven (7) days after impoundment at Twin Oaks Veterinary Hospital or other Animal Shelter designated by the County and on the Alleghany County Bulletin board at the Alleghany County Administration office at 348 South Main Street, Sparta, NC. Said notice shall contain the general description of the animal impounded and/or a picture, the date, time and place of the taking and the time and date the notice was posted. The time for redemption of an animal, as herein above provided, shall not begin to run until such notice has been given or posted.

(i) The owner shall be entitled to resume possession of their animal, except as already provided for certain animals, upon compliance with the provisions of this Ordinance and the payment of shelter fees incurred. The shelter fees shall be as follows:

Redemption by Owner - \$25.00

Adoption fee \$50.00

(D) If two (2) or more violations occur within one (1) year, the owner redemption fee shall increase to \$100.00. In addition to the other fees set out herein all boarding fees must be paid before the animal may be redeemed.

Section 13. REDEMPTION OR ADOPTION OF UNVACCINATED DOG OR CAT.

(A) Unless proof of a current rabies vaccination can be furnished, every person who either adopts or redeems a dog or cat at the animal shelter will be given a “proof of vaccination notice” at the time of redemption or adoption. This notice will be stamped with a date stating the maximum time limit allowed to take the dog or cat to the veterinarian of their choice for a rabies vaccination. The time limit for dogs and cats four (4) months old and older will be seventy-two (72) hours, weekends and holidays excluded. For animals younger than four (4) months, the time will vary.

(B) The “proof of vaccination notice” will be completed by the veterinarian and returned to the Animal Control Office by the animal owner or keeper.

(C) Payment for all veterinary services will be the responsibility of the owner or keeper.

(D) It is required each animal be spayed or neutered, at owner’s expense, to aid in the stray animal population.

Section 14. ADOPTION OR DESTRUCTION OF OWNER-SURRENDERED ANIMALS.

(A) Any animal surrendered by its owner to the Animal Control Department may be immediately placed for adoption, or humanely destroyed when:

(1) The owner directs, in writing, that the animal be placed for adoption or humanely destroyed, for form, See Appendix 1; and

(2) The owner affirmatively represents in writing that he or she is in fact the legal owner of said animal; and

(3) The owner agrees that he or she will indemnify and hold the Animal Control Department or county harmless for fees, by reason of the destruction of, or placement for adoption of, said animal; and

(4) The owner transfers ownership of said animal to the Animal Control Department and releases the department from any and all future claims with respect to said animal.

(B) Upon receiving aforementioned assurances, the Animal Control Department may rely on the same and place said animal for adoption, or destroy said animal, as it sees fit.

Section 15. ADOPTION OR DESTRUCTION OF UNREDEEMED ANIMALS.

(A) If an impounded animal is not redeemed by the owner or keeper within the period specified in Ordinance for the appropriate situation, it may be destroyed in a humane manner, or shall become the property of the animal shelter and offered to a responsible citizen willing to comply with prescribed adoption procedures.

(B) During periods of emergency rabies quarantine invoked pursuant to this Ordinance, no animal shall be adopted if it is a stray unclaimed by its owner or keeper, except by special authorization from the Appalachian Health Department Director.

Section 16. VIOLATIONS.

(A) Enforcement of this Ordinance may be by appropriate equitable remedy, injunction, or order of abatement issuing from a court of competent jurisdiction pursuant to North Carolina General Statute § 153A-123(d) and (e).

(B) In addition to, and not in lieu of the criminal penalties and other sanctions provided by this Ordinance or North Carolina General Statutes, a violation of this Ordinance may also subject the offender to the civil penalties hereinafter set forth.

(1) Such civil penalties may be recovered by the county in a civil action in the nature of debt or may be collected in such other amounts as prescribed herein within the prescribed time following the issuance of notice for such violation.

(2) Such notice shall include:

(a) State upon its face the amount of the penalty if such penalty be paid within Seventy-two (72) hours from and after the issuance of the notice and the late fee (\$1.00 per day) if paid more than Seventy-two (72) hours after its issuance.

(b) Notify such offender that a failure to pay the penalties within the prescribed time shall subject such offender to a civil action in the nature of debt for the stated penalty plus an additional penalty in the amount of Twenty-five Dollars and Zero Cents (\$25.00), together with the cost of the action to be taxed by the court.

(c) Further provide that such offender may answer the notice by mailing the notice, and stated penalty to the Animal Control Department at its mailing address, or by making payment to the Animal Control Department at the appropriate address, and that upon payment, such case or claim and right of action by the county will be deemed compromised and settled.

(d) State that such penalties must be paid within Seventy-two (72) hours from issuance of such notice. Such notice shall further state that if such notice of violation is not paid within Seventy-two (72) hours, court action by filing a civil complaint for collection of such a penalty may be taken.

(C) The Animal Control Department is authorized to accept such payments in full and final settlement of the claim or claims, right or rights of action which the county may have to enforce such penalty by civil action in the nature of debt. Acceptance of such penalty shall be deemed a full and final release of any and all such claims, or rights of action arising out of such contended violation or violations.

(D) The notice of violation referred to herein may be delivered to the person violating the provisions of this Ordinance in person or may be mailed by certified mail to the person at his last known address.

(E) Criminal penalties may be charged to an individual in violation of any section of this Ordinance, as provided by the North Carolina General Statutes, including but not limited to § 14-163, 14-163.1, 14-360(a), 14-360(a1), 14-360(b), 14-361.1, 14-362, 14-362.1, 14-362.2, 14-362.3, 14-363, 14-363.2, 15A-1340.23, 15A-1340.17, 15A-1340.16, 15-1, 19A-46(a), 19A-48, 67-2, 50B-3(a)(8)-(9), 67-4.3, 67-12.

Section 17. PENALTY.

(A) The violation of any provision of this Ordinance shall be a misdemeanor, and any person convicted of such violation shall be punishable as provided in North Carolina General Statute § 14-4.

(B) Each day's violation of this Ordinance is a separate offense. Payment of a fine imposed in criminal proceedings pursuant to this section does not relieve a person of their liability for taxes or fees imposed under this Ordinance.

(C) The civil penalties for violation of this Ordinance are as follows:

<i>Offense</i>	<i>Fine</i>
Cruelty to Animals	\$100.00
Release of Vicious Animal	\$100.00
Harboring Non-Domestic Animal	\$100.00
Interfering with Animal Control Officer	\$100.00
Failure to Surrender	\$100.00
Nuisance	\$100.00
No Rabies Tag Displayed	\$50.00
Failure to Vaccinate	\$50.00
Surrender Fee	\$25.00

The penalty shall be paid within Seventy-two (72) hours from and after issuance of the notice by the prescribed manner.

(D) In addition to the penalty prescribed in division (C) above, a One Dollar (\$1.00) per day penalty shall be imposed in all those cases in which the above penalty has not been paid within the authorized Seventy-two (72)-hour period.

(E) Should it become necessary to institute a civil action to collect any penalty hereunder, then the violation shall also be subject to an additional penalty of Twenty-five Dollars (\$25.00) and the cost of the action to be taken by the court.

(F) All penalties paid to the Animal Control Department or as may be recovered in a civil action in the nature of debt as herein provided shall be paid into the General Fund of Alleghany County to the Finance Officer.

(G) If any dog, not being at the time on the premises of the owner or person having charge thereof, shall kill or injure any livestock or fowls, the owner or person having such dog in charge shall be liable for damages sustained by the injury, killing, or maiming of any livestock, and cost of suit pursuant to North Carolina General Statute § 67-1.

Section 18. Enforcement.

(A) The Animal Control Officer shall be empowered to enforce the provisions of this Ordinance.

(B) It shall be unlawful for any person(s) to interfere with, hinder or molest the employees of the Department of Animal Control and its employees, while in the performance of their duties as stated in this Ordinance, or to release any animal in the custody thereof, except as specifically provided herein.

(C) Animal Control Officers shall be empowered to utilize a rifle, shotgun or tranquilizer gun for the purpose of control of wild, diseased and dangerous animals.

(D) Any questions regarding the policies of this Ordinance shall be answered at the discretion of the Animal Control Department.

Section 19. Review. This Ordinance shall be reviewed by the Alleghany County Board of Commissioners with the Animal Control Officer and Appalachian District Health Department on an annual basis for updates in procedures, processes and changes in the North Carolina General Statutes.

Section 20. Severability. If any part of this Ordinance or any portion or provision hereof, or the application hereof to any person or condition, is held to be invalid, such invalidity shall not affect the remaining parts of this Ordinance or its application to any other person or condition, and to this end the provisions of this Ordinance are hereby declared to be severable.

Section 20. Repeal. This Ordinance replaces, in its entirety, the existing ordinance entitled "Alleghany County Animal Control Ordinance", adopted on the 7th day of February 1983 and filed for registration on the 17th day of March 1983 at 9:00 o'clock A.M., in the Office of the Register of Deeds of Alleghany County, NC in Book No. 1, Page 65, etc.

Effective Date. This Ordinance shall be effective from and after the _____ day of _____, 2021.

Bill Osborne, Chairman
Alleghany County Board of Commissioners

(SEAL)

Attest:

Drew Temple, Clerk to the Board

APPENDIX 1
OWNER ANIMAL SURRENDER & RELINQUISHMENT FORM

Name: _____

Address: _____

Phone Number: _____ E-mail: _____

Name & Type of Each Animal Surrendered: _____

_____ Total Number of Animals Surrendered _____

PLEASE READ AND INITIAL EACH PARAGRAPH AND SIGN AND DATE BELOW.

_____ I hereby certify that I am the owner of the animal(s) (hereinafter referred to as “animal” for any number) and described above or I am the authorized representative of the guardian or owner of the animal described above.

_____ I also certify that I have unrestricted and complete authority to convey, surrender and relinquish (collectively “relinquish”) the animal to the Alleghany County Animal Control Officer (“Animal Control”) and hereby relinquish ownership and all property rights in the animal to Animal Control voluntarily and that no representations, consideration or promises of any kind have been made to me by Animal Control.

_____ I further certify that the animal has not bitten, scratched, or attacked anyone in the last ten (10) days.

_____ I understand that I am relinquishing this animal to Animal Control and I acknowledge and agree: that this animal will not be returned to me; Animal Control shall have the sole and exclusive legal right to make all decisions, and to take all action, regarding the animal; and, the decision to adopt or euthanize is within the sole discretion of Animal Control. I further understand, acknowledge, and agree that it means the animal I am relinquishing may be adopted or euthanized any time after its arrival.

_____ I understand that I will not be contacted before the animal is either adopted or euthanized and that I will not seek further information about the animal from Animal Control.

_____ If I am relinquishing a dog or a cat, I agree that I will fill out any additional forms and provide any further information requested by Animal Control, disclosing all material information regarding the medical and behavioral history of the animal.

_____ I understand that there is an Owner Surrender Fee to relinquish an animal to Animal Control. By completing the information below, I acknowledge the following:

☐ I am paying the fee for _____ number of animals.

☐ I am unable to pay the fee for _____ number of animals and remit this acknowledgement.

☐ I am relinquishing a litter of _____ number of unweaned animals; paying one (1) surrender fee for the litter.

_____ I willfully surrender all medical records and information, if any, pertaining to the animal. Animal Control has my permission to contact my veterinarian for any necessary information pertaining to my animal.

Veterinarian's Name: _____

Phone Number: _____

Address: _____

_____ **I HEREBY RELEASE AND FOREVER DISCHARGE ANIMAL CONTROL AND ITS EMPLOYEES, STAFF, AGENTS AND/OR REPRESENTATIVES AND, ALLEGHANY COUNTY FROM ANY CLAIMS, OBLIGATIONS, LIABILITIES, CAUSES OF ACTION OR DEMANDS THAT I HAVE, OR MAY HAVE THAT: (A) MAY BE CONNECTED WITH THE ANIMAL; (B) MAY ARISE OUT OF ANIMAL CONTROL'S CARE OF THIS ANIMAL; (C) MAY ARISE OUT OF ANIMAL CONTROL EUTHANIZING OR ADOPTING OUT THIS ANIMAL. I FURTHER AGREE TO INDEMNIFY AND HOLD HARMLESS ANIMAL CONTROL AND ALLEGHANY COUNTY FROM ANY AND ALL SUCH RIGHTS, CLAIMS, OBLIGATIONS, LIABILITIES, AND CAUSES OF ACTION WHICH MAY BE ASSERTED BY THIRD PARTIES.**

My initials above and signature below certifies the above statements as true and correct, relinquishes all rights and ownership in the animal(s) to Animal Control, and acknowledges my agreement to all statements in this Owner Animal Surrender and Release Form.

Signature: _____ Date: _____

Animal Control Officer: _____

Information about the animal(s):

Animal's Name: _____

Breed or mix: _____

Age: _____ Sex: _____

Is your animal spayed/neutered: _____

How long have you owned this animal? _____

How or where did you get the animal? _____

Does the animal have health problems or is it injured? _____

Is the animal on medication(s)? ☐ Yes ☐ No

If yes, please list: _____

Is the animal microchipped? ☐ Yes ☐ No

If yes, who is the animal registered to? _____

Reason for surrender: _____

Likes or dislikes about the animal: _____

Around children this animal is:

- ☐ relaxed or affectionate
- ☐ respectful
- ☐ usually tolerant
- ☐ aggressive
- ☐ fearful
- ☐ unknown

Around other animals:

- ☐ relaxed or affectionate
- ☐ respectful
- ☐ usually tolerant
- ☐ aggressive
- ☐ fearful
- ☐ unknown

Around other people:

- ☐ relaxed or affectionate
- ☐ respectful
- ☐ usually tolerant
- ☐ aggressive
- ☐ fearful
- ☐ unknown

Where does this animal spend most of its time?

- ☐ Indoors only
- ☐ Outside only
- ☐ Mostly indoors
- ☐ mostly outside
- ☐ Other _____

This animal has lived with ☐ Men ☐ Women ☐ Seniors ☐ Children – ages _____

Any additional information that would help your animal be adopted: _____